

### **REMARKS**

Claims 44-47 and 50-57 remain in this application. Claims 15-19, 28, 41-43, 48 and 49 have been cancelled without prejudice or disclaimer. Claims 50-57 have been added.

Examiner has acknowledged that claims 44-46 are directed to allowable subject matter. Claims 20-27 and 37-40 have been withdrawn as the result of an earlier restriction requirement.

Support for new claims 50-57 may be found, for example, on page 32, lines 29-30, page 33, line 11 to page 34, line 6, page 47, lines 17-20, page 57, lines 11-19, and with reference to the figures, for example, Figures 5C (35S+leader), 6H (pADHL2GUS), 6I, 6L (pYE2L2GUS), 7A.2, 8C-E and 9A (pUCtCUP2-2XL2GUS), 9C (tCUP2 2XL2), 9D (EnhtCUP2+2L2), and 9E and F (tCUP3-2XL2).

### **Drawings and Specification**

Applicant encloses herewith a set of formal drawings.

Applicant encloses herewith an amended sequence listing. The sequence listing has been amended to include the sequence "tCUP" disclosed in Figure 1C, and sequences pYEL2GUS, pYE330L2GIUS, pYE373L2GUS, pYE349L2GUS, and pYE400L2GUS listed in Figure 6N. The remaining sequences identified by Examiner, including the RENT sequences (SEQ ID NO:10-14), may be found in the application as originally filed. Applicant submits that the sequences enclosed in the computer readable form and the paper copy, are the same.

The figure legends of Figures 1C, 6B, 6F, 6I, 6M, 6N, 7A2, 8A, 9A and 10A have been amended, as suggested by Examiner, to include reference to the appropriate SEQ ID NO's.

### **Claims Objections**

Claim 47 is objected to under 37 CFR 1.75(c) due to improper dependency due to the use of open claim language. Claim 47 has been amended so that the term "comprising" now reads --consisting of--.

**Objection under 35 U.S.C. 112**

Claims 15-19, 28, 41-43, 48 and 49 have been rejected under 35 USC 112.

Applicant has cancelled claims 15-19, 28, 41-43, 48 and 49 without prejudice of disclaimer. Removal of this rejection is therefore requested.

**Rejection under 35 U.S.C. 102**

Claims 15-19, 28, 41-43, and 47-49 have been rejected under 35 USC 102.

Applicant has cancelled claims 15-19, 28, 41-43, 48 and 49 without prejudice of disclaimer. Claim 47 has been amended so that the term "comprising" now reads --consisting of--.

Removal of the rejection under 35 USC 102 against claims 15-19, 28, 41-43, and 47-49 is therefore requested.

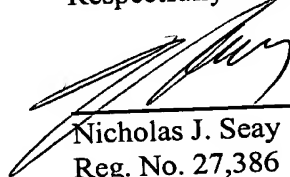
**Double Patenting**

Claims 15-19, 28, 41-43, and 47-49 have been rejected under the judicially created doctrine of obviousness-type double patenting.

Claims 15-19, 28, 41-43, 48 and 49 have been cancelled without prejudice of disclaimer, and claim 47 has been amended so that the term "comprising" now reads --consisting of--. Removal of the rejection under the doctrine of obviousness-type double patenting against claims 15-19, 28, 41-43, and 47-49 is therefore requested.

It is respectfully submitted that the above-identified application is now in a condition for allowance and favorable reconsideration and prompt allowance of these claims are respectfully requested. Should the Examiner believe that anything further is desirable in order to place the application in better condition for allowance, the Examiner is invited to contact the applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,



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